

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rule making related to child support recovery forms

The Human Services Department hereby amends Chapter 97, “Collection Services Center,” Chapter 98, “Support Enforcement Services,” and Chapter 99, “Support Establishment and Adjustment Services,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 217.6.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 217.6.

Purpose and Summary

These amendments remove references to obsolete form numbers and names.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on May 22, 2019, as **ARC 4441C**. The Department received no comments during the public comment period. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Council on Human Services on July 10, 2019.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on September 4, 2019.

The following rule-making actions are adopted:

ITEM 1. Amend paragraph **97.6(5)“c”** as follows:

c. The obligee has not requested automatic deposit to a designated account of the obligee and has asserted in writing on Form 470-3972, Electronic Support Payments, that one of the exemptions listed in this paragraph applies. To claim an exemption, the obligee must return Form 470-3972 to the collection services center within ten days of the date the form was issued. An exemption granted under this paragraph is subject to periodic review by the collection services center. ~~When the collection services center reviews an exemption, it shall issue Form 470-3973, Review of Electronic Transfer Exemption, to the obligee for completion.~~ The exemptions available under this paragraph are:

(1) to (5) No change.

ITEM 2. Amend paragraph **98.121(2)“b”** as follows:

b. *Notification issued by the child support recovery unit.* When the support order under which the arrearage has accrued does not contain language regarding the statutory provisions for referral and surcharge, or was entered under a foreign jurisdiction and notification was not included in the support order or provided as a separate written notice, the child support recovery unit shall issue ~~Form 470-3412, Legal Notice of Referral and Surcharge,~~ a notice to the obligor. The notice shall be sent by regular mail to the obligor’s last-known address.

ITEM 3. Amend paragraph **98.121(5)“c”** as follows:

c. The child support recovery unit shall file ~~Form 470-3411, Notice of Surcharge,~~ a notice of the surcharge with the clerk of the district court in the county in which the underlying support order is filed.

ITEM 4. Amend subrule 99.63(1) as follows:

99.63(1) *Notice of right to request review.* The child support recovery unit shall notify each parent of the right to request review of the order and the appropriate place and manner in which the request should be made. Notification shall be provided on Form 470-0188, Application For Nonassistance Support Services, or Form 470-1981, Notice of Continued Support Services, ~~Form 470-3078, Availability of Review and Adjustment Services,~~ or through another printed or electronic format.

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 7/31/19.